



LIMBACH & LIMBACH L.L.P.  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. SONY-C4412  
Anticipated Classification of  
this Application:  
Class: \_\_\_\_\_  
Subclass: \_\_\_\_\_  
Prior Application:  
Examiner: I. CHOWDHURY  
Art Unit: 2308

**FILE WRAPPER CONTINUING APPLICATION (FWC) - 37 CFR § 1.62**

Commissioner of Patents and Trademarks  
Box FWC  
Washington, D.C. 20231

Sir:

I. This is a request for filing a  
 continuation  
 divisional application  
 continuation-in-part, attached is an amendment for added subject matter,  
of co-pending prior complete application no. 08/263,125 filed on June 21, 1994 by KEIICHI KATAYANAGI ET AL. for SPEECH SIGNAL TRANSMITTING AND RECEIVING APPARATUS WITH NOISE SENSITIVE VOLUME CONTROL (as amended).

**CERTIFICATION UNDER 37 CFR § 1.10**

I hereby certify that this New Application and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date Aug. 12, 1996 in an envelope bearing "Express Mail Post Office To Addressee" Mailing Label Number EM191496590US addressed to: Honorable  
Commissioner of Patents and Trademarks, Washington, D.C. 20231, Box FWC.

**ELIZABETH A. REICKER**

(Name of person mailing paper)

Signature

1. Title (as originally filed and as last amended): SPEECH SIGNAL TRANSMITTING AND RECEIVING-APPARATUS WITH NOISE SENSITIVE VOLUME CONTROL (as amended)

2. Name of applicant(s) (as originally filed and as last amended) and current correspondence address of applicant(s)

KEIICHI KATAYANAGI, Kanagawa, Japan

KENTARO ODAKA, Tokyo, Japan

MASAYUKI NISHIGUCHI, Kanagawa, Japan

The above-identified application in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 CFR § 1.62 application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

## II. INVENTORSHIP STATEMENT

1.  This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
  - the same
  - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:  

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2.  This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application whose particulars are set out above the inventor(s) in this application are
  - the same
  - add the following additional inventor(s):  

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3.  The inventorship for all the claims in this application are
  - the same
  - not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

## III. DECLARATION OR OATH

1. Continuation or divisional  
 none required
2. Continuation-in-part
  - attached
  - executed by (check all applicable items)
    - inventor(s).
    - legal representative of inventor(s) 37 CFR § 1.42 or 1.43.
    - joint inventor or person showing a proprietary interest for inventor who refused to sign or cannot be reached. 37 CFR § 1.47;
      - This is the petition required by 37 CFR § 1.47 and the statement required by 37 CFR § 1.47 is also attached. See item VI below for fee.
  - not attached.

Application is made by a person authorized under 37 CFR § 1.41(c) on behalf of all of the above named applicant(s). The declaration or oath, along with the surcharge required by 37 CFR § 1.16(e) can be filed subsequently.

showing that the filing is authorized. (Not required unless called into question. 37 CFR § 1.41(d)).

## IV. FEE CALCULATION - AMENDMENTS

The fees to be charged are to be based on the number of claims remaining as a result of the

attached preliminary amendment.

the unentered amendment filed under 37 CFR § 1.116 in the prior application, which is now repeated, and entry of which is hereby requested.

the claims as on file in the prior application.

CLAIMS AS FILED				
	NUMBER FILED	NUMBER EXTRA	RATE	BASIC FEE \$750
Total Claims	** 22	= 2	× 22 =	\$ 44.00
Independent Claims	*** 2	= 0	× 78 =	\$ 0.00
<u>— FIRST PRESENTATION OF MULTIPLE DEP CLAIM</u>			+ 250 =	\$ 0
			TOTAL	\$ 794.00

Small Entity 50% Filing Fee Reduction (if applicable) \$

**V. SMALL ENTITY STATEMENT**

- A verified statement that this is a filing by a small entity is attached.
- The small entity statement was filed in the parent application no. filed on and this status is still proper and its benefit under 37 CFR § 1.28(a) is hereby claimed.

**VI. FEE PAYMENT BEING MADE AT THIS TIME**

Not attached

- No filing fee is submitted. (This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.)

Attached

- filing fee \$ 794.00
- recording assignment (\$40.00; 37 CFR § 1.21(h)(i)). See item XIII below. \$
- petition fee for filing by other than all the inventors or person not the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 CFR § 1.47 and 1.17(h)) \$
- processing and retention fee (\$130.00; 37 CFR § 1.53(d) and 1.21(l)) \$

**TOTAL FEES ENCLOSED . . . . .** \$ 794.00

**VII. METHOD OF PAYMENT OF FEES**

- attached is a check in the amount of . . . . . \$ 794.00
- charge Account No. 12-1420 in the amount of \$\_\_. A duplicate of this request is attached.

**VIII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

- The Commissioner is hereby authorized to charge the following ADDITIONAL fees which may be required by this paper and during the entire pendency of this application to Account No. 12-1420. The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 12-1420. A duplicate copy of this sheet is enclosed.

- 37 CFR § 1.16 (filing fees)
- 37 CFR § 1.16 (presentation of extra claims)
- 37 CFR § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- 37 CFR § 1.17 (application processing fees)
- 37 CFR § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b)).

IX. INSTRUCTIONS AS TO OVERPAYMENT

credit Account No. 12-1420  
 refund

X. PRIORITY - 35 U.S.C. § 119

Priority of application no. P05-182138 filed on June 29, 1993 and application no. P06-040729 filed on March 11, 1994 in Japan is claimed under 35 U.S.C. § 119.

The certified copies were filed on June 21, 1994 in prior application no. 08/263,125 filed on June 21, 1994.  
 The certified copy will follow.

XI. RELATE BACK - 35 U.S.C. § 120

Amend the specification by deleting any existing reference to related applications by inserting before the first line the sentence:

--This is a

continuation  
 divisional application  
 continuation-in-part

of co-pending application no. 08/263,125 filed on June 21, 1994, Now ABANDONED.--

<<Note to form user: above lines intentionally double-spaced to permit Examiner amendments>>

XII. INFORMATION DISCLOSURE STATEMENT

Attached is an Information Disclosure Statement.

XIII. ASSIGNMENT

The prior application is assigned of record to Sony Corporation, 7-35, Kitashinagawa 6-chome, Shinagawa-ku, Tokyo, Japan.  
Assignment recorded in PTO on June 21, 1994, Reel 7059, Frame(s) 0086-0088.  
 The prior application is assigned, and the assignment (copy attached) was submitted to PTO for recording on   .  
 An assignment of the invention to    is attached. **TWO COPIES OF PTO-1595 (Recordation Cover Sheet) are also attached.**

XIV. POWER OF ATTORNEY

The power of attorney in the prior application is to Limbach & Limbach L.L.P.

The power appears in the original papers in the prior application.  
 The power does not appear in the original papers, but was filed on   .  
 A new power has been executed and is attached.  
 Address all future communications to:

Limbach & Limbach L.L.P.  
Attn: Philip M. Shaw, Jr.  
2001 Ferry Building  
San Francisco, CA 94111  
415/433-4150

XV. STATEMENT UNDER 37 C.F.R. § 3.73(b) (certification of title in assignee, if applicable, see MPEP § 324)

A statement satisfying the requirements of 37 C.F.R. § 3.73(b)  
 is attached.  
 was filed in the prior application.  
 A copy of the statement previously filed in the prior application is attached.

XVI. MAINTENANCE OF COPENDENCY OF PRIOR APPLICATION

(This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run).

A petition, fee and response has been filed to extend the term in the pending prior application until   .  
 A copy of the petition for extension of time in the prior application is attached.

**XVII. CONDITIONAL PETITIONS FOR EXTENSION OF TIME IN PRIOR APPLICATION**

(Complete this item and file conditional petition in prior application if previous item (XVI) not applicable).

- A conditional petition for extension of time is being filed in the pending prior application.
- A copy of the conditional petition for extension of time in the prior application is attached.

**XVIII. ABANDONMENT OF PRIOR APPLICATION**

Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

Date: 8-02-96

By: Patricia Bengtsson  
Name: W. Patrick Bengtsson  
Registration No. 32,456  
Attorneys for Applicant(s)